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Board of Vocational Nursing  
and Psychiatric Technicians

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**BEFORE THE  
DEPARTMENT OF CONSUMER AFFAIRS  
BUREAU OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN-2004-1683

ABDUL-WASIU GIBSON SHO-OJA  
aka HUMPHREY FUNDUDOR,  
aka ROMANO H. FUNDADOR  
7518 West Avenue L 10  
Lancaster, CA 93536

**ACCUSATION**

Vocational Nurse License No. VN 210474

Respondent.

Complainant alleges:

**PARTIES**

1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this  
Accusation solely in her official capacity as the Executive Officer of the Bureau of Vocational  
Nursing and Psychiatric Technicians, Department of Consumer Affairs.

2. On or about August 17, 2004, the Bureau of Vocational Nursing and  
Psychiatric Technicians (Bureau) issued Vocational Nurse License No. VN 210474 to  
Abdul-Wasiu Gibson Sho-Oja aka Humphrey Fundador aka Romano H. Fundador (Respondent).  
The Vocational Nurse License was in full force and effect at all times relevant to the charges  
brought herein and will expire on February 28, 2010, unless renewed.

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## JURISDICTION

3. This Accusation is brought before the Bureau under the authority of the following laws. All section references are to the Business and Professions (Code) unless otherwise indicated.

## STATUTORY PROVISIONS

4. Code section 101.1, subdivision (b), states:

(1) In the event that any board, as defined in Section 477, becomes inoperative or is repealed in accordance with the act that added this section, or by subsequent acts, the Department of Consumer Affairs shall succeed to and is vested with all the duties, powers, purposes, responsibilities and jurisdiction not otherwise repealed or made inoperative of that board and its executive officer.

(2) Any provision of existing law that provides for the appointment of board members and specifies the qualifications and tenure of board members shall not be implemented and shall have no force or effect while that board is inoperative or repealed. Every reference to the inoperative or repealed board, as defined in Section 477, shall be deemed to be a reference to the department.

5. Section 118(b) of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Bureau jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under section 2892.1 of the Code, the Bureau may renew an expired license at any time within four years after the expiration.

6. Section 477 of the Code states:

"(a) "Board" includes "bureau," "commission," "committee," "department," "division," "examining committee," "program," and "agency."

7. Section 490 of the Code provides, in pertinent part, that the Bureau may suspend or revoke a license when it finds that the licensee has been convicted of a crime substantially related to the qualifications, functions or duties of a licensed vocational nurse.

8. Section 2875 of the Code provides, in pertinent part, that the Bureau may

1 discipline the holder of a vocational nurse license for any reason provided in Article 3  
2 (commencing with section 2875) of the Vocational Nursing Practice Act.

3 9. Section 2878 of the Code states:

4 "The Board may suspend or revoke a license issued under this chapter [the  
5 Vocational Nursing Practice Act Code section 2840, et seq.]] for any of the following:

6 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

7 .....

8 "(f) Conviction of a crime substantially related to the qualifications, functions,  
9 and duties of a licensed vocational nurse, in which event the record of the conviction shall be  
10 conclusive evidence of the conviction.

11 .....

12 "(j) The commission of any act involving dishonesty, when that action is related  
13 to the duties and functions of the licensee."

#### 14 REGULATORY PROVISIONS

15 10. California Code of Regulations, title 16, section 2521, states in pertinent  
16 part:

17 "For the purposes of denial, suspension, or revocation of a license pursuant to  
18 Division 1.5 (commencing with Section 475) of the Code, a crime or act shall be considered to  
19 be substantially related to the qualifications, functions or duties of a licensed vocational nurse if  
20 to a substantial degree it evidences present or potential unfitness of a licensed vocational nurse to  
21 perform the functions authorized by his license in a manner consistent with the public health,  
22 safety, or welfare. ..."

#### 23 COST RECOVERY

24 11. Section 125.3 of the Code provides, in pertinent part, that the Bureau may  
25 request the administrative law judge to direct a licentiate found to have committed a violation or  
26 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
27 and enforcement of the case.

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**FIRST CAUSE FOR DISCIPLINE**

**(Conviction of Substantially Related Crimes)**

12. Respondent is subject to disciplinary action under sections 2878, subdivision (f) and 490 of the Code, in conjunction with California Code of Regulation, title 16, section 2521, in that Respondent was convicted of crimes substantially related to the qualifications, functions or duties of a licensed vocational nurse, as follows:

a. On or about November 9, 2005, Respondent was convicted by the Court on a plea of nolo contendere for violating one count of Penal Code section 273.5(a) (inflicting corporal injury on spouse or cohabitant), a felony, in the criminal proceeding entitled *The People of the State of California v. Abdul Wasii Sho-Oja* (Super. Ct. Los Angeles County, 2005, No. LA048639). The circumstances surrounding the conviction are that on or about March 24, 2005, Respondent was arrested on an outstanding felony warrant for making terrorist threats and charged with spousal abuse.

b. On or about April 12, 1999, Respondent was convicted by the Court on a plea of nolo contendere for violating one count of Penal Code section 273.5(a) (inflicting corporal injury on spouse or cohabitant), a misdemeanor; one count of Penal Code section 242 (battery), a misdemeanor; and one count of Penal Code section 243(e)(1) (spousal battery), a misdemeanor, in the criminal proceeding entitled *The People of the State of California v. Humphrey Fundador* (Super. Ct. Los Angeles County, 1999, No. 9HL00368). The circumstances surrounding the convictions are that on or about January 28, 1999, Respondent was arrested after, during a domestic dispute, he pushed his wife to the ground and kicked her several times in the chest and abdomen.

c. On or about August 19, 1996, Respondent was convicted by the Court on a plea of nolo contendere for violating one count of Penal Code section 273.5(a) (inflicting corporal injury on spouse or cohabitant), a misdemeanor, in the criminal proceeding entitled *The People of the State of California v. Romano H. Fundador* (Super. Ct. Los Angeles County, No. 6WL03066). The circumstances surrounding the conviction are that during an argument on or about August 8, 1996, Respondent hit his wife several times resulting in bruising to her arms.

1 d. On or about August 19, 1996, Respondent was convicted by the Court on a  
2 plea of nolo contendere for violating one count of Penal Code section 273.5(a) (inflicting  
3 corporal injury on spouse or cohabitant), a misdemeanor, in the criminal proceeding entitled *The*  
4 *People of the State of California v. Romano H. Fundador* (Municipal Ct. Los Angeles Judicial  
5 District, 1996, No. 6WL02855). The circumstances surrounding the conviction are that on or  
6 about July 19, 1996, Respondent was arrested after he threw his wife on the bed, held her down,  
7 and punched her several times on her arms and left forehead to prevent her from going to work.

8 **SECOND CAUSE FOR DISCIPLINE**

9 **(Unprofessional Conduct)**

10 13. Respondent is subject to disciplinary action under section 2878,  
11 subdivision (a) of the Code, in that on or about July 18, 1996 through March 24, 2005,  
12 Respondent committed acts of unprofessional conduct. Complainant refers to, and by this  
13 reference incorporates, the allegations set forth above in paragraph 10, subparagraphs (a) through  
14 (h), inclusive, as though set forth fully.

15 **PRAYER**

16 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
17 alleged, and that following the hearing, the Bureau issue a decision:

- 18 1. Revoking or suspending Vocational Nurse License No. VN 210474,  
19 issued to Respondent;
- 20 2. Ordering Respondent to pay the Bureau the reasonable costs of the  
21 investigation and enforcement of this case, pursuant to Business and Professions Code section  
22 125.3, and

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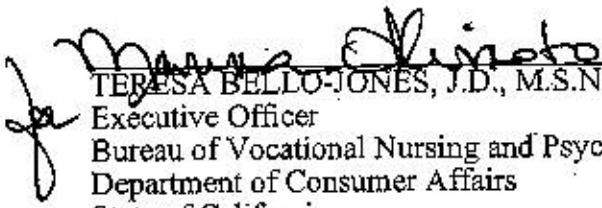
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1                   3.     Taking such other and further action as deemed necessary and proper.

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3     DATED November 18, 2008

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6                     
7                   TERESA BELLO-JONES, J.D., M.S.N., R.N.  
8                   Executive Officer  
9                   Bureau of Vocational Nursing and Psychiatric Technicians  
10                  Department of Consumer Affairs  
11                  State of California  
12                  Complainant  
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